

# **Exhibit 38**

## **Part 1**



## Export E-22425

Matter/Claim Number: 096801.000091

URL: <https://twitter.com/MetaBirkins>

Capture Start: 2022-01-19 19:23:59 (UTC)

Operating System: Windows 10 64-bit

Browser Engine: Chrome 97.0.4692.71

A large, semi-transparent blue Twitter bird logo is positioned in the background of the lower half of the page, facing right. The background itself is a solid blue color with a subtle, repeating pattern of white circuit board traces.

# EXPORT


←

MetaBirkins

91 Tweets

Media 0

Likes 0



...

Follow

**MetaBirkins**

@MetaBirkins

A digital art project by @masonrothschild living on the Ethereum blockchain. Feat. @voguebusiness @Forbes, @BoF, @ELLEmagazine, @HYPEBEAST, @highsnobiety.  
[rarible.com/metabirkinsnft](https://rarible.com/metabirkinsnft) Joined November 2021

2 Following 6,944 Followers


Not followed by anyone you're following

Tweets

Tweets & replies

Media

Likes



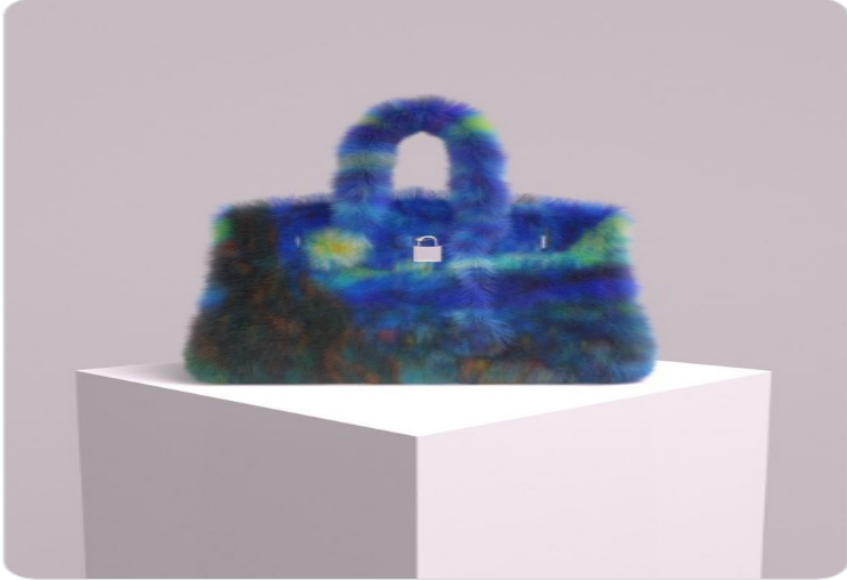
Pinned Tweet

**MetaBirkins** @MetaBirkins · Nov 29, 2021

Three days from mint and we need to give away the last dozen whitelist spots!

- Follow @MetaBirkins and @MasonRothschild
- Like and Retweet this post
- Tag three friends who have diamonds hands to hold #MetaBirkins

#NotYourMothersBirkin #MintAMetaBirkinHoldAMetaBirkin




974

1K

1.3K


IMGs



MetaBirkins

@MetaBirkins · Jan 17

...



CAMDEN 1, NEW JERSEY

May 19, 1964

Mr. A. Warhol  
1542 Lexington Avenue  
New York, New York

Dear Mr. Warhol:

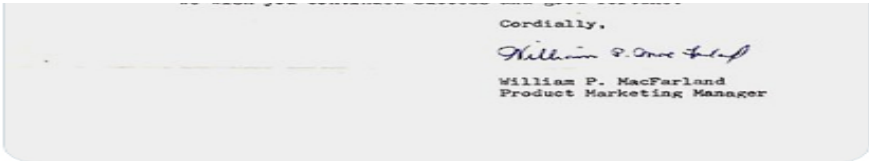
I have followed your career for some time. Your work has evoked a great deal of interest here at Campbell Soup Company for obvious reasons.

At one time I had hoped to be able to acquire one of your Campbell Soup label paintings - but I'm afraid you have gotten much too expensive for me.

I did want to tell you, however, that we admired your work and I have since learned that you like Tomato Soup. I am taking the liberty of having a couple of cases of our Tomato Soup delivered to you at this address.

We wish you continued success and good fortune.

HERMES\_0009416




Cordially,  
*William P. MacFarland*  
William P. MacFarland  
Product Marketing Manager

8

23

140

IMGs



MetaBirkins @MetaBirkins · Jan 17

A statement in response to: Hermès International, et al. v. Mason Rothschild.

Dear Community,

So, Hermes filed a trademark lawsuit against me on Friday—although they didn’t send me or my lawyers a copy. My lawyers and I have reviewed Hermes’ complaint. Hermes’ claims are groundless and we look forward to defeating those claims in court and helping to set a precedent.

I am not creating or selling fake Birkin bags. I’ve made art works that depict imaginary, fur-covered Birkin bags.

My lawyers at Lex Lumina PLLC put it well when they said that the First Amendment gives me the right to make and sell art that depicts Birkin bags, just as it gave Andy Warhol the right to make and sell art depicting Campbell’s soup cans.

I have the right also to use the term “MetaBirkins” to describe truthfully what that art depicts, and to comment artistically on those bags and on the Birkin brand.

The fact that I sell the art using NFTs doesn’t change the fact that it’s art. It’s quite clear from reading Hermes’ complaint that they don’t understand what an NFT is, or what NFTs do.

We have tried to be reasonable. Hermes first sent me a letter threatening a lawsuit if I didn’t buckle under and stop doing MetaBirkins altogether. We wrote to them and explained that we were doing nothing we didn’t have a right to do. We told them that we believed that the dispute could be resolved through an informal conversation between me and an Hermes representative. Hermes chose instead to break off negotiations and sue me.

I hope Hermes understands that I won’t be intimidated.


15

55

187

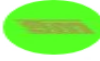
IMGs

Who to follow




Paracelsus @ParacelsusNFT

Welcome to Pangea! A #PlayToEarn world strewn apart by four warring factions of elementals. 🧨 MINTING MARCH 1 🧨 #ForPangea 🌊🔥🌲🐼  
Join [discord.gg/Paracelsus](https://discord.gg/Paracelsus)



gm onchain @gm\_onchain


gm SOLD OUT L [http:// gm.graphics](http://gm.graphics) [zora.co/collections/Ox...](https://zora.co/collections/Ox...)  
[opensea.io/collection/gm-...](https://opensea.io/collection/gm-...)



arXiv.org @arxiv

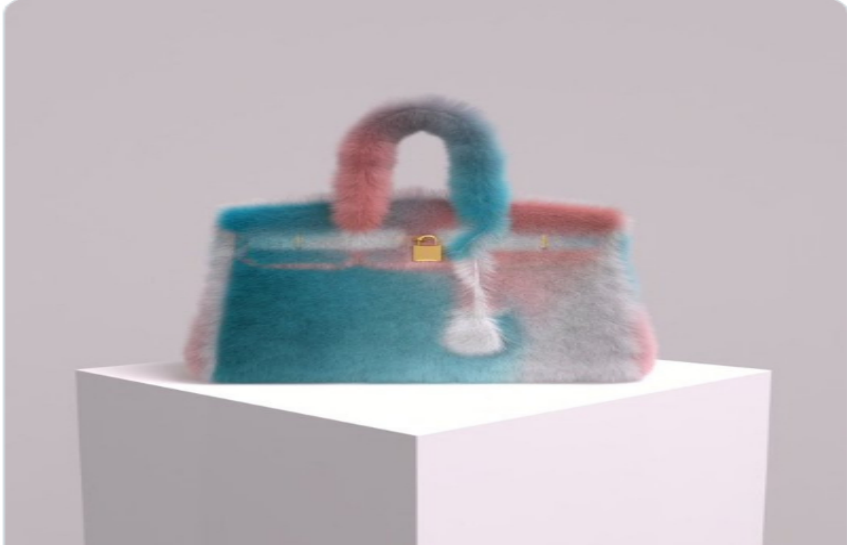
News from [arXiv.org](https://arxiv.org), a free distribution service and an open archive for scholarly articles. For help with arXiv, see [arxiv.org/help](https://arxiv.org/help)

Show more



MetaBirkins @MetaBirkins · Jan 16

MetaBirkins 0 just sold for 3 Ether (≈\$10,500.00) on @rarible!



HERMES\_0009417




3

24

113

IMGs

MetaBirkins Retweeted



**MasonRothschild.eth** @MasonRothschild · Jan 14

...

MetaBirkins are the key to unlocking all my future projects. Guaranteed whitelists, guaranteed airdrops. Endless value for the people who believe in me and my work. It's all about the journey and I'm just getting started.

11

24

91

Topics to follow

Tweets about the Topics you follow show up in your Home timeline

Viral Tweets

Euphoria

Barstool Sports

Funny Tweets

Sports

Gaming

NFL

NFL players

Basketball

Rap

NBA

Video games

Football

Actors

NBA players


More Topics

MetaBirkins

@MetaBirkins · Jan 14

...

MetaBirkins 35 just sold for 4 Ether (≈\$13,500.00) on [@rarible!](#)



6

101

319

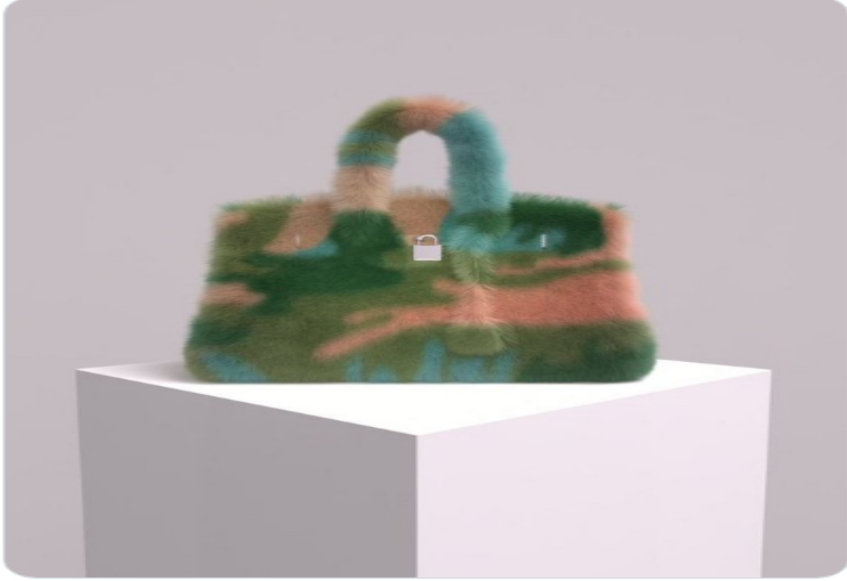
IMGs

MetaBirkins

@MetaBirkins · Jan 14

...


MetaBirkins 67 just sold for 3.8 Ether (≈\$13,000.00) on [@rarible!](#)



11

34


IMGs



MetaBirkins

@MetaBirkins · Jan 14

MetaBirkins 15 just sold for 3 Ether (≈\$10,000.00) on [@rarible!](#)




4


12

57

IMGs



MetaBirkins Retweeted



Metaplug


@metaplug · Jan 13

Copped a [@MetaBirkins](#)

Loved by celebrities and cease & desist-ed by Hermes, it's both a visual and performance art piece

The founder [@MasonRothschild](#) has a proven track record in the fashion space and a strong network

Apparently this one is [@takashipom](#) inspired!




4

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41

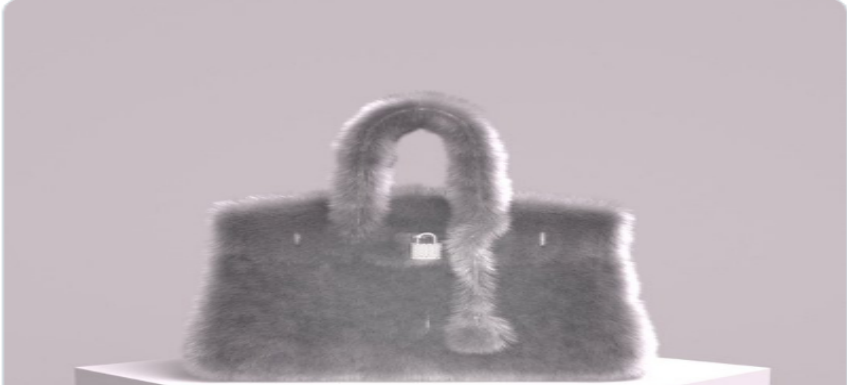
IMGs



MetaBirkins

@MetaBirkins · Jan 11

MetaBirkins 83 just sold for 3.8 Ether (≈\$13,000.00) on [@rarible!](#)





MetaBirkins

@MetaBirkins · Jan 10

...

MetaBirkins is LIVE on [@LooksRareNFT](#), the community-first marketplace that actively rewards traders, collectors and creators. Buy and sell your MetaBirkin today or HODL for your free [@ILYYWNFT](#) mint!

Trade NFTs,  
Get Rewards.

LOOKSRARE



looksrare.org

LooksRare

LooksRare is a next generation NFT market. Buy NFTs, sell NFTs... or just HODL: Collectors, traders, and creators alike earn passive incom...

5

16

73

IMGs



MetaBirkins

@MetaBirkins · Jan 8

...

I Like You, You're Weird



I Like You, You're Weird

9

41

187

IMGs



MetaBirkins

@MetaBirkins · Jan 4

...

Thank you for telling this story [@HYPEBEAST](#) 🙌



HYPEBEAST

@HYPEBEAST · Jan 3

Hermès Allegedly Sends Cease and Desist to MetaBirkins NFT Creator

[hypebeast.com/2022/1/mason-r...](#)

3

12

36

IMGs



MetaBirkins

@MetaBirkins · Jan 1

...

❤️❤️❤️



Damngraham.eth

@damngrahamm · Jan 1

I collected one fashion NFT that changed my entire year financially. Whether it's music, fashion, photography, etc, ur NFT project could positively impact someones life if you just create it. Ty

[@MasonRothschild](#) [@MetaBirkins](#) 🙌

6

14

IMGs



MetaBirkins Retweeted

Zolzaya

@Zolzaya1997 · Jan 1

...

One of the best NFTs out there. The discord community is one of the best out there. Lot's of freedom, piclinary, art, music, food, and friends to make along the way!



MetaBirkins

@MetaBirkins · Jan 1

MetaBirkins: Collection One

Now available on [@rarible](#) 🚀🌞

[rarible.com/metabirkinsnft](https://rarible.com/metabirkinsnft)



2

2

12



MetaBirkins @MetaBirkins · Jan 1

MetaBirkins: Collection One

Now available on @rarible 🚀🌞

[rarible.com/metabirkinsnft](https://rarible.com/metabirkinsnft)



20

83

93

IMGs



MetaBirkins @MetaBirkins · Jan 1

Ice Age.





82395 



**MetaBirkins** @MetaBirkins · Dec 31, 2021  
c/o Sage Willows





5

13

72







**MetaBirkins** @MetaBirkins · Dec 29, 2021  
Slatt





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39

222







**MetaBirkins** @MetaBirkins · Dec 22, 2021  
An open letter to Hermès, OpenSea and Community.

**Dear Hermès,**

So, I get your cross & dissent letter. While I am sorry if you were insulted by my art, as an artist, I will not apologize for creating it.

Now, as you are aware, the First Amendment gives me every right to create art around any interpretation of the world around me. There are countless examples of artists who reference the world and the products and cultural artifacts in it. With that understanding, MetaBirkins is a playful abstraction of an existing fashion-culture landmark. I re-interpreted the form, materiality and name of a known cultural landmark. MetaBirkins are also a commentary on fashion's history of sexual diversity, and its current embrace of far more inclusive and alternative bodies. My aim is always to create additive art projects that contribute positively to the culture.

When it comes to art, selling my MetaBirkins as NFTs is akin to selling them as physical art prints. It should not be my job to educate you on advancements in the world and the culture of art. Art is art.

There is a missing side of innovation and evolution, and it is your role as a fashion powerhouse to justify young creators and artists rather than sweep them out. Your actions can help determine the future of art in the Metaverse.

You can be a part of an incredible movement.

I'm disappointed to see that MetaBirkins has been removed from your platform before any legal action was taken, and without due process. To have removed us with no warning or consideration is disrespectful, to say the least.

You used Hermès as an inspiration but not prices and customer value. The growth of your business relies on the support of the art community. You should stand by the artists who support you.

It's not too late to step in the right direction.

To say that I have been overwhelmed by your support here day and would be an understatement. Thanks also for listening to my work and for choosing to be a part of this journey.

We've quickly reached a pivotal moment of transition in the space of art and for it, there are two possible choices here.

The first is that I focus down in the face of Hermès' threats, and bring MetaBirkins to an end. The second, which I'm inclined to follow, is that I stand my ground.

As a large corporate entity, Hermès vastly outpaces my resources, but they can't be allowed to silence this power.

So, what's to learn here? That question is not just for me, or for you, the community of NFT creators and patrons. It's for the platforms and corporations that aim to be power players in new and exciting spaces.

I am open to exploring all options with Hermès. I also want to ensure that when the art community builds and fosters a relationship with a platform, such as

20

63

198







**MetaBirkins** @MetaBirkins · Dec 15, 2021  
The [#MetaBirkins](#) Discord Server is now open to new members — pausing registration at 24,000 members.

[discord.gg/metabirkins](#)










2

19

78







**MetaBirkins Retweeted** **The Business of Fashion** @BoF · Dec 15, 2021  
Neither by Hermès nor real handbags, the luxury NFTs highlight both profit-

making potential and intellectual-property issues as money pours into the fast-growing virtual fashion market.



businessoffashion.com  
**What 'MetaBirkins' Say About Virtual Fashion**  
Neither by Hermès nor real handbags, the luxury NFTs highlight both profit-making potential and intellectual-property issues as money pou...

1 56 100



**MetaBirkins** @MetaBirkins · Dec 14, 2021

gm 🌞 @RonnieFieg

5 5 29



**MetaBirkins** @MetaBirkins · Dec 11, 2021

A gift for all first collection holders. Airdropping 📧 soon. Thank you for everything. #MetaBirkins



15 27 179

IMGs



**MetaBirkins** @MetaBirkins · Dec 11, 2021

gm 🌞 @RTFKTstudios

61 197 160



**MetaBirkins** @MetaBirkins · Dec 9, 2021

Another day, another milestone. Thank you everyone. #MetaBirkins



HERMES\_0009423


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
22

126

IMGs

MetaBirkins Retweeted



**tardy**  · @earth\_dave · Dec 8, 2021


meta birkins the best NFT out it's not up for debate

7

21


91


...




**MetaBirkins** @MetaBirkins · Dec 7, 2021

MetaBirkins going to Pluto!



**FUTURE/FREEBANDZ**  · @1future · Dec 7, 2021


GM WORLD



68


118

244




**MetaBirkins** @MetaBirkins · Dec 6, 2021

Spicy 🌶️



**splashy.eth** @LordxSplashy · Dec 6, 2021

Someone's building a spicy collection @MetaBirkins 4 in the last 2 hours.



30

- Less

Sale

20 minutes ago

Unit Price

Quantity

From


To

3.9

1

Unnamed

elbobo



59

- Less

Sale

about an hour ago

Unit Price

Quantity

From


To

5

1

httpsmadz

elbobo



11

- Less


Sale

2 hours ago

5

5

47



**MetaBirkins** @MetaBirkins · Dec 6, 2021

Do as [@LanaRhoades](#) does:

• Change your Profile Photo to your favorite [#MetaBirkin](#)

• Follow [@metabirkins](#) and [@masonrothschild](#)

• Like and Share this post

• Tag three friends who have diamonds hands to hold [#MetaBirkins](#)

[#NotYourMothersBirkin](#)

[#MintAMetaBirkinHoldAMetaBirkin](#)

HERMES\_0009424